

GREGORY L. WILDE, ESQ.  
Nevada Bar No. 4417

E-filed on March 20, 2012

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Attorney for Defendant National Default Servicing Corporation

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

DIMITRITZA TOROMANOVA, an  
Individual

Case No.: 2:12-cv-00328-GMN-(CWH)

PLAINTIFF(S),

**JOINDER TO DEFENDANT WELLS  
FARGO BANK, N.A.'S MOTION TO  
DISMISS AND EXPUNGE LIS PENDENS**

-vs-

WELLS FARGO BANK, NA., WACHOVIA  
MORTGAGE, FSB; NATIONAL DEFAULT  
SERVICING CORP; and DOES 1-10,  
inclusive.

Defendants.

COMES NOW Defendant NATIONAL DEFAULT SERVICING CORPORATION  
("NDSC") by and through its attorneys of record, TIFFANY & BOSCO, P.A., and hereby joins  
in Defendant Wells Fargo Bank, N.A.'s Motion to Dismiss and Expunge Lis Pendens.

In addition to joining the pending Motion to Dismiss, Defendant NDSC adds the  
following;

1. In paragraphs eight (8) and nine (9) of Plaintiff's complaint, she claims that she  
knew of the alleged fraud in January 2009. Therefore, the statute of limitations on her fraud  
allegation expired in January 2012, which was one month before her complaint was filed.  
This defeats Plaintiff's third cause of action. See NRS 11.190(3)(d).

2. Plaintiff alleges in her first cause of action an "unlawful taking of property".

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Defendants are unsure of exactly what Plaintiff is alleging and can only glean from this allegation that she seeks to set aside the foreclosure sale pursuant to paragraph thirty-two (32) of her complaint. Again, Plaintiff has missed the statutory period to seek a rescission of the sale. The sale took place on October 3, 2011 making the deadline to seek the setting aside of the sale January 1, 2012. Plaintiff filed this action on February 10, 2012, forty (40) days after the deadline. See NRS 107.080(5)(b).

3. Plaintiff's second cause of action for Trespass must also fail. There is no evidence, or proper allegation before this Court, that NDSC trespassed on Plaintiff's property. NDSC's only contact with the property was its agent lawfully posting the statutorily required foreclosure notices pursuant to NRS 107. Plaintiff admits in its complaint that it stopped making the monthly payments in April 2009. Posting the statutorily required notices cannot be construed as trespass.

4. Plaintiff's fourth and final cause of action for RICO violations also fails for the Plaintiff has not alleged all that is necessary to substantiate this cause of action including, but not limited to, its failure to allege a second crime as required by NRS 279.390.

WHEREFORE, the Court should dismiss Plaintiff's Complaint with prejudice.

DATED this 20<sup>th</sup> day March 2012.

**TIFFANY & BOSCO, P.A.**

/s/ Gregory L. Wilde, Esq.  
 GREGORY L. WILDE, ESQ.  
 Nevada Bar No. 4417  
 212 S. Jones Blvd.  
 Las Vegas NV 89107  
 Attorney for Defendant  
 National Default Servicing Corporation

**CERTIFICATE OF SERVICE**

The undersigned certifies that on this 20<sup>th</sup> day March 2012, she electronically served the above **JOINDER TO DEFENDANT WELLS FARGO BANK, N.A.'S MOTION TO DISMISS AND EXPUNGE LIS PENDENS** to the Clerk's Office using the CM/ECF System for filing transmittal of a Notice of Electronic Filing and to all counsel in this matter; all counsel being registered to receive Electronic Filing.

I further certify that on this 20<sup>th</sup> day March 2012, I placed a copy of the above **JOINDER TO DEFENDANT WELLS FARGO BANK, N.A.'S MOTION TO DISMISS AND EXPUNGE LIS PENDENS** into a sealed envelope and mailed regular mail, postage prepaid, addressed to:

Dimitritza Toromanova  
2912 Hot Cider Avenue  
Las Vegas, NV 89031  
Plaintiff Pro Se

/s/ Amy McConnell  
An employee of Tiffany & Bosco, P.A.

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